



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

ELP
Docket No. 159-99
22 May 1999



Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 May 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 10 April 1980 for four years at age 17. The record reflects that you served for only six months without incident. However, during the four month period from October 1980 to February 1981 you received two nonjudicial punishments for two periods of unauthorized absence (UA) totalling 70 days. On 18 February 1981, you were referred to the counseling and assistance center for alcohol screening and were subsequently placed on antabuse therapy.

On 3 April 1981, you were sent to sick call by your division officer who requested that you be seen by a psychiatrist. You reported to a branch clinic on 6 April 1981 with complaints of an inability to cope and suicidal ideation. You reported that you had been UA twice and needed help because the ship was deploying. The examining doctor found no evidence of organic disease and his

impression was you had an immature personality and depression. The case was then discussed with a psychiatrist who felt you were a low risk for suicide and that you should go on the upcoming cruise. Further evaluation was recommended upon your return from the cruise.

On 4 May 1981, you received your third NJP for absence from your appointed place of duty. The medical record indicates that you returned to the branch clinic on 6 May 1981 for follow up on your emotional problems related to inability to adapt to the Navy. The clinical summary stated that "since the recent deployment the command made every effort to counsel and spend extra time aiding this man's growth in the USN, there has been no basic change in his attitude toward the command or the USN." It was noted that you were presently on restriction for UA and were upset even though it was your own fault. The examining doctor noted that you persistently stated that you would go UA again rather than make an upcoming deployment to the Mediterranean. Although you were no longer expressing suicidal ideation, you were firm in avoiding deployment. You were then diagnosed with an immature personality disorder, passive-aggressive behavior, and frequent involvement with military authorities. It was opined that you were not a good candidate for further service and administrative separation by reason of convenience of the government was recommended.

On 2 June 1981 you were interviewed by the alcohol rehabilitative service (ARS) at the request of your command. Based on the history you provided, use of alcohol was believed to be an escape for your inability to adjust to the Navy. It was noted that you were not amenable for treatment.

You received a general discharge on 31 August 1981 by reason of "Burden to Command Due to Substandard Performance or Inability to Adapt to Military Service" and were assigned an RE-4 reenlistment code. The administrative discharge documentation is not on file in your record.

Regulations then in effect authorized the discharge of individuals for convenience of the government who were considered to be marginal performers because of failure to maintain the required proficiency in rate, the administrative burden to the command caused by their disciplinary infractions, or having substandard performance adversely affecting unit readiness and mission accomplishment. Individuals so discharged by reason of convenience of the government received the type of discharge warranted by the service record. Regulations required the assignment of an RE-4 reenlistment code to individuals discharged by reason of "burden to command due to substandard performance or inability to adapt to military service."

Character of service is based, in part, on military behavior and overall traits averages which are computed from marks assigned during periodic evaluations. The minimum average marks required for a fully honorable characterization at the time of your discharge were 3.0 in military behavior and 2.8 in overall traits. However, your final military behavior and overall traits averages are not on file in the record.

In its review of your application, the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, letters of reference, your bachelor's degree in theology, ordination as a minister, the various certificates citing special qualifications you obtained since discharge, and the fact that it has been nearly 18 years since you were discharged. The Board noted that you have applied for the Navy Chaplain Candidate Officer Program, and that your contention that you will not be accepted unless your discharge is upgraded and the reenlistment code is changed. You stated that you voluntarily accepted a general discharge because of the difficulties in adjusting to Navy life. You contend that you were not advised at the time of discharge of the negative impact the reenlistment code would have on future endeavors, and that none of the offenses for which you received NJP warranted an RE-4 reenlistment code. The Board also noted that the commanding officer of the local recruiting district has written a letter in which he recommends approval of your request.

The Board concluded that the foregoing factors and contentions were insufficient to warrant recharacterization of your discharge given your record of three NJPs in only 16 months of service. The Board was unable to determine your final averages in military behavior and overall traits averages at the time of discharge. However, the Board concluded that it was very unlikely that you would have achieved the required average in military behavior to warrant a fully honorable discharge given your three NJPs and persistent threats to go UA. The evidence of record clearly indicates you met the criteria of the regulation for discharge as a administrative burden to command due to your inability to adapt. The Board noted the achievements and changes you made in your life since your discharge and appreciates your desire to become a Navy chaplain. However, the criteria for a fully honorable discharge was established at a level which may be attained by all individuals. Your desire to be a Navy chaplain does not provide a valid basis for recharacterizing service or changing your reenlistment code which was correctly assigned. The Board concluded that the discharge and reenlistment code were proper and no changes were warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director